

☆☆EEOC NEWS☆☆

U.S. Equal Employment Opportunity Commission
3300 N. Central Ave., Suite 690
Phoenix, AZ 85012

FOR IMMEDIATE RELEASE
October 1, 2003

CONTACT: Mary Jo O'Neill
Regional Attorney
(602) 640-5044

C. Emanuel Smith
Supervisory Trial Attorney
(602) 640-5033

Michelle G. Marshall
Trial Attorney
(602) 640-5020
TTY: (602) 640-5072

MEDIA RELEASE

* * * * *

EEOC SUES AUTOLIV FOR DISABILITY DISCRIMINATION

Federal Agency Says Company Terminated Employee Because of Her Disability

SALT LAKE CITY ~ The U. S. Equal Employment Opportunity Commission (EEOC) today announced it has filed a disability discrimination lawsuit against Autoliv, charging that the company illegally discriminated against an employee when it denied her a reasonable accommodation and ultimately fired her because of her disability, in violation of the Americans with Disabilities Act of 1990 (ADA).

Autoliv is a large international company which manufactures airbags and seat belts, with over 8,000 employees and 12 facilities in the United States in Utah, Michigan, Colorado, Indiana and Kentucky. Autoliv is one of the largest private employers in the state of Utah, with seven facilities in the state, and had \$1.4 billion in sales in the United States last year.

The EEOC's suit, Case No. 1:03CV00110 TS in U.S. District Court for the District of Utah,

EEOC SUES AUTOLIV FOR DISABILITY DISCRIMINATION

Page 2

says that Autoliv refused to provide an accommodation (in the form of a transfer to another department) to Judy Day, whose disability includes impairments to her cervical spine and her right arm. The lawsuit also alleges Autoliv maintains a policy or practice of denying reassignment as a reasonable accommodation to disabled employees.

“Our investigation found that Autoliv discriminated against Ms. Day because of her disability, without entering into the interactive process required by the ADA to determine whether a reasonable accommodation existed that would allow her to work,” said Charles Burtner, the EEOC’s Phoenix District Director. “This disregard for the requirements of the law cannot be tolerated. The EEOC will not only continue to educate employees and employers about the ADA in an effort ensure that employees are not discriminated against in the workplace, but also litigate in the public’s interest to enforce our laws.”

Mary Jo O’Neill, Regional Attorney for the EEOC’s Phoenix District Office, said, “Not only did Autoliv fail to follow the requirements of the ADA with respect to Ms. Day, but the company maintains a practice of refusing to consider reassignment as a reasonable accommodation to disabled workers. This practice demonstrates a lack of understanding of what the law mandates. It is of the utmost importance that employers understand what is required of them under the ADA. The EEOC will continue to vigorously enforce the ADA’s prohibitions against disability discrimination, which includes refusing to reasonably accommodate a qualified individual with a disability.”

As part of its suit, the EEOC is seeking relief for Ms. Day which could include punitive and compensatory damages and an end to any discriminatory employment practice by Autoliv. The EEOC filed suit only after exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

In addition to enforcing the ADA, the EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation; the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency’s web site at www.eeoc.gov.

###